

REMARKS

The Final Office Action issued July 29, 2003 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Claims 1, 8, 11, 14, and 15 have been amended. Claims 12 and 13 have been canceled. Accordingly, applicants respectfully request reconsideration of claims 1-11 and 14-18.

Applicants thank the Examiner for indicating that claims 11 and 14 would be allowable if rewritten into independent form. Claims 11 and 14 have been so rewritten, and therefore are in condition for allowance.

Claims 1-10, 12-13, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bassler in view of Taylor. Insofar as the rejection is applicable to amended claims 1, 8, and 15, applicants respectfully traverse because Bassler and Taylor, whether considered alone or in combination thereof, fail to teach or suggest the claimed invention as a whole.

Amended claim 1 recites a mounting arrangement that includes, *inter alia*, a fastener that allows for movement between a fuel injector and a fuel injector cup, secures the fuel injector to the fuel injector cup, and satisfies at least an environmental vibration test. The vibration test includes, during vibrating of the mounting arrangement, subjecting the arrangement to (1) thermal cycling, and (2) pressure test cycles. Bassler or Taylor fails to show or describe a mounting arrangement including a fastener that allows for movements between a fuel injector and a fuel injector cup while satisfying an environmental vibration test. Consequently, Bassler and Taylor, whether considered alone or in combination, fail to teach or suggest these features. Accordingly, claim 1 is patentable over Bassler in view of Taylor.

Each of the independent claims 8 and 15 has been amended to recite a fastener that engages both a retention surface of the injector cup and a retention groove in the housing of the fuel injector. The fastener has a wall and a pair of legs projecting from the wall. The pair of legs straddle both the fuel injector cup and fuel injector, the wall and each leg consist of a length disposed along the longitudinal axis, and the longest length of the entire wall being less than the length of each leg. Support for this amendment to claims 8 and 15 is provided in the originally filed application at page 7, and in Figures 1 and 2.

Bassler in combination with Taylor fails to support a *prima facie* case of obviousness because the proposed combination of references could render the clip of Bassler unsuitable in providing a circumferential holding feature. In particular, Bassler shows clip that has a spring web 20 with segments 27 disposed between legs 18 and 19. The segments 27 of Bassler capture a rib 31 therebetween to provide for a circumferential holding feature of the clip of Bassler. In providing for the circumferential holding feature of Bassler, the longest length of the web 20 and segments 27 (i.e., the segments 27) of Bassler is greater than the length of the legs 18 and 19, instead of the longest length of an entire wall between two legs being less than the length of each leg along the longitudinal axis, as recited in each of claims 8 and 15.

Notwithstanding at least this deficiency in Bassler, the Office Action concludes that it would have been obvious to pick and choose features from Taylor to cure the deficiency of Bassler. Taylor has a clip with tab 48 that has a length less than the length of tabs 46. However, Taylor apparently does not rely on tab 48 disposed between two tabs 46 as a circumferential holding feature for the clip of Taylor. Therefore, if one of ordinary skill were to employ the configuration of the tabs 46 and 48 of Taylor—which are not used to provide a circumferential holding feature—with the web 20 and segments 27 of Bassler, such modification of Bassler with Taylor could render Bassler unsuitable in providing a circumferential holding feature as required in Bassler. As noted in MPEP § 2143.01, “[i]f the proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed combination.” Because the proposed combination of Bassler in view of Taylor could render the circumferential holding feature of the web 20 and segments 27 of unable to retain the rib 31 between segments 27, the proposed combination of relied-upon references fails to support a *prima facie* of obviousness. Accordingly, claims 8 and 15 are patentable over Bassler and Taylor, whether considered alone or in combination thereof.

Claims 2-7, 9, 10, and 16-18 depend ultimately from respective independent claims 1, 8, and 15, are therefore also allowable because claims 1, 8, and 15 are allowable, as well as for reciting additional features.

Applicants respectfully request entry of the amendment because the amendment places the application in condition for allowance, or alternatively, in better form for appeal. Because the feature of the longest length of an entire wall being less than the length of each leg has been

considered in the Final Office Action at page 3, no new issue has been presented by the amendment to claims 8 and 15 that would require additional search or consideration.

Furthermore, the claims 11 and 14 have been amended as suggested by the Examiner to place these claims in condition for allowance. Moreover, claim 1 has been amended to incorporate allowable subject matter of claim 11. Thus, the amendment would place the application in condition for allowance. Accordingly, applicants respectfully request entry, reconsideration, and allowance of the claims.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims. Applicants respectfully invite the Examiner to contact the undersigned at (202) 739-5203 if there are any outstanding issues that can be resolved via a telephone conference.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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